

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTOINE RIGGINS, : CIVIL ACTION
: NO. 18-4429
v. :
: SUPERINTENDENT MCGINLEY, et al. :

ORDER

AND NOW, this 29th day of March, 2022, upon careful and independent consideration of the petition, response, all associated briefing, and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, to which objections have been filed, it is **HEREBY ORDERED** that:

1. Riggins's objections (ECF Doc. No. 41) are OVERRULED¹;
2. The Report and Recommendation (ECF Doc. No. 38) is **MODIFIED** to reflect the correct standard under 2254(d)(2) and **APPROVED** and **ADOPTED** in all other respects;
3. The petition for a writ of habeas corpus (ECF Doc. No. 2) is **DENIED AND DISMISSED**;
4. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Juan R. Sánchez

Juan R. Sánchez, C.J.

¹ An appropriate memorandum is attached.